

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

ALREE B. SWEAT, III,

Plaintiff,

v.

CV 10-0338 JB/WPL

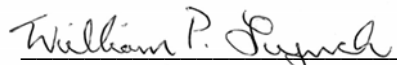
CITY OF LAS CRUCES, ON BEHALF OF  
LAS CRUCES POLICE DEPARTMENT,  
TODD FROATS, and JOHN DOE,

Defendants.

**ORDER DENYING APPOINTMENT OF COUNSEL**

This matter is before me on Alree B. Sweat, III's motion for appointment of counsel. (Doc. 11.) There is no Sixth Amendment right to appointed counsel in a federal habeas proceeding. *See Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987). But counsel may be appointed when "the interests of justice so require." 18 U.S.C. § 3006A(a)(2)(B). In deciding whether to appoint counsel, the following factors should be considered: the merits of the claims, the nature of the factual issues raised in the claims, the litigant's ability to present the claims, and the complexity of the legal issues raised by the claims. *Rucks v. Boergermann*, 57 F.3d 978, 979 (10th Cir. 1995). Based on a review of the record, Sweat appears to understand the issues in the case and to be representing himself in an intelligent and capable matter. Therefore, the interests of justice do not require the appointment of counsel at this time.

IT IS THEREFORE ORDERED that the motion is denied.

  
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William P. Lynch  
United States Magistrate Judge